United Nations S/2002/943

Security Council

Distr.: General
19 August 2002

Original: English

Note verbale dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 27 December 2001 (S/2001/1291).

The Counter-Terrorism Committee has received the attached supplementary report from Iraq, submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for this letter and its attachment to be circulated as a document of the Security Council.

(*Signed*)
for Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-58628 (E) 240902 300902

Annex

[Original: Arabic]

Letter dated 13 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government I should like to transmit to you herewith the supplementary report of the Government of Iraq on the implementation of Security Council resolution 1373 (2001).

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

Enclosure

Responses of the Government of Iraq to the questions raised by the Chairman of the Counter-Terrorism Committee established pursuant to resolution 1373 (2001)*

Introduction

The word for "freedom" (ama-ra-gi), something desired by all peoples today, appeared for the first time in history in an Iraqi document dating back to the year 2355 B.C. that was discovered on a tablet in the historic city of Lagash. The tablet sets forth the details of the most ancient social reform known. The reform was intended to prescribe the equality for which the inhabitants of that city were clamouring and provide acceptable guarantees of human rights. The Iraqis are proud to have been the first to enact laws for the propagation of justice and the protection of human rights. This is evidenced by the discovery of bodies of law that date back to King Urnammu (2113-2095 B.C.), the Code of Lipit-Ishtar (1934-1924 B.C.), the well-known Code of King Hammurabi (1792-1750 B.C.) and the code of Ashnuna, which preceded the Hammurabi Code.

The system of law established by Hammurabi (...to keep the strong from oppressing the weak; to ensure justice for orphans and widows; to propagate the laws of the land and make just decisions known throughout the country; to ensure the rights of the oppressed) is a token of the glory and greatness of Hammurabi and other rulers of that time, for through the law they were able to build the great Mesopotamian civilization and radiate the light at a time when the rest of the world was cloaked in darkness. That is the glorious legacy of which Iraq is heir today and which has become one of its traditions in the fight against injustice and terrorism in the world.

Responses

Paragraph 1

Please identify which laws and regulations prevent, suppress and criminalize acts of financing terrorism.

1. Iraqi Penal Law No. 111 of 1969;
2. The Code of Criminal Procedure (Act No. 23 of 1971);
3. The Central Bank Act (Act No. 64 of 1976);
4. The Office of Financial Supervision Act (Act No. 6 of 1990);
5. Revolution Command Council decision No. 10 of 17 February 1997 (money-laundering);
6. Revolution Command Council decision No. 111 of 17 October 1996 (allocation of reward for informants).

* Attachments are on file with the Secretariat and available for consultation.

Remark: Decisions of the Revolution Command Council have the force of law pursuant to article 42 of the 1970 Constitution of the Republic of Iraq.

Paragraph 2 (e)

Please provide a copy of Iraqi Penal Law 111 of 1969.

We are forwarding to you a copy of Iraqi Penal Law No. 111 of 1969. We are also submitting copies of the following laws:

- The Code of Criminal Procedure (Act No. 23 of 1971);
- The Central Bank of Iraq Act (Act No. 64 of 1976).

Paragraph 3 (d)

The CTC would welcome a progress report, in relation to the international conventions and protocol relating to terrorism, on:

- **The steps taken to become a party to the instruments to which Iraq is not yet a party; and**
- **The enactment of legislation and the making of other necessary arrangements to implement those instruments to which it is a party.**

Studies are currently being conducted in the Republic of Iraq on accession to and ratification of most of the conventions and protocols on terrorism once they have been submitted to the specialized legal and consultative committees.

Iraq is always eager to issue laws and regulations that guarantee the performance of its commitments under international instruments by which it is bound. An example of this is the issuance of Revolution Command Council decision No. 3 of 10 January 2002, amending Iraqi Penal Law No. 111 of 1969. The amendment involves harsher penalties for kidnapping, which is a terrorist offence. It should be noted that, as indicated in our initial report, the Iraqi Penal Law qualifies the crime of terrorism as an ordinary, not a political, offence.

Paragraph 3 (e)

Have the offences set forth in the relevant international conventions been included as extraditable offences in the bilateral treaties to which Iraq is party?

The violations referred to in the relevant international conventions as violations for which criminals may be extradited are mentioned in most of the bilateral agreements concluded by the Government of the Republic of Iraq with most of the countries of the world on legal and judicial cooperation, which also include the extradition of criminals who commit the offences provided for in the laws mentioned in our initial report and in these responses, in accordance with the conditions laid down in those laws.

Other matters

Please provide a progress report on the study which is being conducted regarding the international and regional conventions relating to terrorism not

specifically mentioned in your report as well as regarding the other subparagraphs of the resolution.

Studies are currently under way in the Republic of Iraq on accession to and ratification of most of the conventions and protocols on terrorism after they have been submitted to the specialized legal and consultative committees.

Please outline in detail the provisions of each of the legal enactments, regulations and other documents currently in force that are relevant to compliance with paragraphs 1, 2 and 3 of the resolution. In particular, please make clear whether related requests for extradition of terrorists can be refused on political grounds.

We should like to point out at the outset that Iraqi law considers the crime of terrorism an ordinary crime, as we mentioned in our initial report. It necessarily follows that requests for the extradition of terrorists cannot be denied on political grounds. The Iraqi legislation relating to the implementation of paragraphs 1, 2 and 3 of Security Council resolution 1373 (2001) is as follows:

Operative paragraph 1 of Security Council resolution 1373 (2001)

Subparagraph (a)

The Central Bank of Iraq Act (Act No. 64 of 1976), as amended, includes provisions guaranteeing control of all transactions for the transfer of funds and supervision, in that regard, over all banks, both governmental and private. It also guarantees supervision of the movement of foreign currency both within Iraq and abroad, as provided in its articles 66, 68, 69, 70 and 75. This constitutes a strong legal and factual guarantee against the use of funds for financing terrorist acts. A number of related decisions have been issued by the Revolution Command Council, such as its decision No. 10 of 17 February 1997 calling for the confiscation of both movable property (including money and gold) and immovable property whose ownership is traceable to a person who has unlawfully transferred such ownership to another for the purpose of evading the law. Revolution Command Council decision No. 103 of 1 August 1994 provides that anyone who acquires, conceals or uses things obtained through a felony or, knowing them to be such, disposes thereof in any manner whatsoever, shall be punished by life imprisonment, the penalty being imprisonment if the offence whereby such things were obtained is a misdemeanour. This text consequently covers the financing of acts that are against the law, including terrorist acts. The Financial Supervision Act (Act No. 6 of 1990) makes all State expenditures subject to the supervision of the Office of Financial Supervision even if such expenditures come under the general budget of the State. The supervision of the Office of Financial Supervision covers the financial activity of all non-governmental and cooperative associations and organizations, including those of the mixed sector, as well as their manner of spending their funds. It also includes guarantees that they are not being used for unlawful purposes. The reports of the Office of Financial Supervision are discussed in the National Assembly (Parliament) to insure that the people's money is being used properly.

Subparagraph (b)

The Central Bank of Iraq Act (Act No. 64 of 1976) provides harsh penalties to discourage the financing of criminal activities, including terrorist acts. This is

achieved through the control of banks in Iraq (articles 45, 46, 50 and 57) and of foreign transfers (articles 66, 68, 69 and 70). Article 75 also contains severe penalties for such acts.

Article 198, paragraph 2, of Iraqi Penal Law No. 111 of 1969 provides penalties for encouraging, abetting or materially or financially assisting in the commission of the crimes mentioned in articles 190-197, 200, 204 and 206 of the Law, which involve threats to the internal security of the State.

Subparagraph (c)

The laws of the Republic of Iraq prohibit any economic or financial activity aimed at financing persons who commit, attempt to commit or participate in the commission of terrorist acts.

Preparing, participating in and abetting crime are subject, under Iraqi law, in particular Iraqi Penal Law No. 111 of 1969, to the harshest penalties, persons guilty of such activities being considered as principals of the crime, as provided in articles 47 to 53. Penalties for the offence of criminal conspiracy are provided in articles 55-57 of the Law. Moreover, inasmuch as under the Iraqi Penal Law (article 21) terrorist offences are deemed to be ordinary offences, not political offences, the Law applies to the financing or abetting of or participation in terrorist movements, since they are acts that assist in the perpetration of crime, as mentioned in our response concerning operative paragraph 1 (b).

Article 280 of Iraqi Penal Law No. 111 of 1969 provides that anyone who in full awareness imitates or counterfeits, either himself or through another, a gold or silver coin having currency by law or by custom in Iraq or in another country or issues such an imitation or counterfeit coin, puts it into circulation, introduces it into Iraq or another country, trades with it or obtains it for the purpose of putting it into circulation or trading with it shall be subject to imprisonment. Similarly, article 281 of the said Law provides a penalty of imprisonment for anyone who in full awareness counterfeits or imitates, either himself or through another, Iraqi or foreign paper money or paper banknotes recognized by law, for the purpose of putting them into circulation, issuing them, introducing them into Iraq or another country or trading with them. In addition, a number of decisions of the Revolution Command Council concern relevant financial matters, namely:

-- Revolution Command Council decision No. 10 of 17 February 1997, which provides as follows:

I. Both movable property (including money and gold) and immovable property whose ownership is traceable to a person who has unlawfully transferred such ownership to another for the purpose of evading the law shall be confiscated.

II. [1.] If the apparent owner in whose name the property has been registered reports that property to a court or to the office of the public prosecutor with 180 days from the date of transfer of ownership of the property to him, he shall be entitled to half of what has been registered in his name or half the value thereof, at the discretion of the Ministry of Finance.

2. If the apparent owner does not, despite his knowledge of the transfer of ownership of the property to him, report it within the period specified in

paragraph 1 of this article, he shall be fined the equivalent of half the value of the property registered in his name and that property shall be confiscated.

3. If the property falling under the provisions of article I of this decision is reported by a person other than the apparent owner after the expiration of the period specified in paragraph 1 of this article, the informant and the persons who discovered the property shall be entitled to a reward the amount of which shall be determined in accordance with the rules laid down in article V of this Revolution Command Council decision No. 111 of 17 October 1996.

III. The property referred to in article I of this decision shall not, however, be confiscated if the ownership thereof was transferred by the apparent owner in accordance with the law to an innocent third party.

IV. Innocent third parties shall retain the usufruct which they hold by right in respect of property to which the provisions of this decision apply. The provisions of this decision shall apply to cases having occurred prior to its entry into force; the period stipulated in article II, paragraph 1, of this decision shall commence on the date of entry into force hereof.

-- Revolution Command Council decision No. 103 of 1 August 1994, which provides as follows:

I. Anyone who knowingly acquires, conceals or uses things obtained through a felony or, knowing them to be such, disposes thereof in any manner whatsoever, shall be punished by life imprisonment; the penalty is a term of imprisonment if the offence whereby such things were obtained is a misdemeanour.

II. Anyone who acquires a thing obtained through a felony or misdemeanour under conditions leading him to believe that the source thereof is unlawful shall be punished by imprisonment for a period of not less than three years.

III. The perpetrator of an offence provided for in articles I and II of this decision shall be exempted from punishment if he takes the initiative to report to the public authorities the perpetrator of the offence whereby the things were obtained before those authorities begin to investigate and make inquiries concerning the perpetrators.

Articles 286-303 of Iraqi Penal Law No. 111 of 1969 provide penalties for the crime of falsification of official and ordinary instruments and records and the use of such forged documents.

The Passport Act (Act No. 32 of 1999) contains regulations governing passports. Article 10 of that Act sets forth the penalties for leaving the country without passing through border crossing points or without a travel document; selling, buying or seizing a passport; damaging or losing a passport; leaving for or travelling to a country to which one has been prohibited to travel or without such travel being recorded in one's passport; or intentionally providing false information. Criminal proceedings are instituted against such persons, who are committed to the custody of the courts pursuant to the said article. In the case of offences for which no provision is made in the Passport Act, criminal proceedings are instituted against the perpetrator in accordance with the laws in force, including Penal Law No. 111 of 1969, as amended, whose articles 289-303 are devoted to the punishment of the perpetrators of the crime of forging official documents. The falsification of non-

Iraqi passports is subject to the provisions of Revolution Command Council decision No. 120 of 1986.

All the above provisions apply to persons who directly or indirectly provide funds to persons who commit or attempt to commit terrorist offences and to entities owned or controlled by such persons, inasmuch as terrorist offences, considered ordinary crimes under Iraqi law, are covered by such provisions. They also apply to persons who make unlawful use of passports or falsify official documents for the purpose of committing terrorist acts.

Operative paragraph 2 of Security Council resolution 1373 (2001)

Subparagraph (a)

Article 190 of Iraqi Penal Law No. 111 of 1969 provides the penalty of life imprisonment or a lesser prison term for anyone who attempts, by force or violence, to overthrow the republican regime or to change the State Constitution or the form of Government. The penalty is death if the offence is committed by a group that has used explosives or firearms or if it results in the death of a human being.

Article 191 of the same Law provides the penalty of death or life imprisonment for anyone who, with criminal intent, takes over the command of a division of the armed forces, a military post, a port or a town without being charged with doing so by the Government or remains in a military command in violation of Government orders.

Article 192 of the same Law provides that any attempt to instigate an armed revolt shall be punishable by a prison term, life imprisonment or death, depending on the circumstances.

Article 194 establishes the death penalty for anyone who organizes, heads or assumes any position of leadership in an armed band that attacks a group of inhabitants or seeks to prevent the implementation of the law or to seize by force land or property belonging to the State or to a group of people, or who engages in armed resistance against men of the public authority. Joining such a band without participating in its formation or assuming any position of leadership in it shall be punishable by life imprisonment.

Article 195 provides for a penalty of life imprisonment for seeking to stir up civil war or factional fighting by arming citizens, inducing them to take up arms against each other or inciting people to fight. The penalty is death if what the perpetrator seeks to achieve is realized.

Article 196 provides for a penalty of imprisonment for anyone who attempts to use force or the threat of force to occupy public property or buildings, those assigned to governmental authorities or departments or to public utilities, institutions or companies. If the offence is committed by an armed band, the penalty is life imprisonment or a lesser prison term for its members and death or life imprisonment for those who organized it, served as its head or assumed any position of leadership in it.

Article 197 provides a penalty of death or life imprisonment for anyone who, with the intention of overthrowing the regime, sabotages, destroys, damages or harms public buildings or property, electric power plants, means of communication,

places intended for public meetings or any public property of extreme importance to the national economy.

Article 198 establishes a penalty of imprisonment for abetting the crimes referred to in the above-mentioned articles.

Article 200 establishes a penalty of life imprisonment for anyone who advocates or propagates any doctrine aimed at changing the principles of the Constitution or the fundamental statutes of the body social or overturning the fundamental social and economic systems of the State, instigates the overthrow of the established regime or advocates or promotes anything that gives rise to factionalism or sectarianism or stirs up violence and hatred among the population.

Article 204 provides a penalty of imprisonment for anyone who, without permission, founds, sets up, organizes or directs in Iraq any kind of society, body or organization whatsoever having an international character or any branch thereof.

The State prohibits any civilian or military organization set up without its knowledge or outside of its laws. Article 156 of Iraqi Penal Law No. 111 of 1969 provides the death penalty for anyone who intentionally commits an act intended to impair the stability, unity or territorial integrity of the country or joins an association hostile to Iraq whose members do not have the character of combatants.

Revolution Command Council decision No. 458 of 21 April 1984 provides that the above-mentioned article 156 shall apply in respect of anyone proven to belong to a party or association whose action or written platform is aimed at changing the regime through the use of armed force or in cooperation with any foreign entity.

Revolution Command Council decision No. 201 of 10 September 2000 provides that article 156 of the Penal Law shall be applicable in respect of anyone proven to be a member of the Wahhabi movement.

The purpose of these legal texts is to combat terrorist acts directed against the internal and external security of the State and any attempt to overthrow the regime by force. Indeed, there exist many terrorist movements in the United States of America, the United Kingdom and other countries that are being prepared, with the assistance and financing of those countries, for terrorist acts to be committed against Iraq and its citizens.

Iran grants safe haven to numerous terrorist organizations, such as those known as the Supreme Council for Islamic Revolution in Iraq, the Badr Corps and the Islamic Da'wah Party, which are under the supervision of Iranian military secret agencies and are known to the international community through their terrorist acts both in the Arab world and elsewhere. These are extremist groups whose activity is based on the notion of terrorism (killing, destruction and kidnapping) as a strategy for achieving their ends. The Iranian Government has established these and other organizations on a religious extremist basis known to all. They have carried out dozens of terrorist acts against peace-loving citizens, civilian installations and governmental institutions in Iraq and we have a long record of their heinous crimes.

Subparagraph (b)

Iraq is a member of the Council of Arab Foreign Ministers, through which it engages in the coordination required under this subparagraph. Iraq is also a member of the Arab police organization and the International Criminal Police Organization

(INTERPOL), through which it cooperates with member States of those organizations so that the necessary steps may be taken to prevent crime, including terrorist offences. It coordinates with other States with a view to early warning through the immediate exchange of information under bilateral agreements concluded with those States, namely:

1. Riyad Convention on Judicial Cooperation, ratified by Iraq by Act No. 110 of 1983;
2. 1931 judicial convention concluded between Iraq and Great Britain, ratified by Iraq by Act No. 49 of 1931;
3. Agreement on civil procedure between the Governments of Iraq and Great Britain, signed at Baghdad in 1935 and ratified by Iraq by Act No. 13 of 1936;
4. Treaty on Judicial Cooperation between Iraq and the German Democratic Republic, ratified by Iraq by Act No. 42 of 1971;
5. Treaty on judicial and legal cooperation between Iraq and the Union of Soviet Socialist Republics, ratified by Iraq by Act No. 104 of 1973;
6. Treaty on judicial and legal cooperation between Iraq and the People's Republic of Hungary, ratified by Iraq by Act No. 92 of 1977;
7. 1986 agreement on legal and judicial cooperation between Iraq and Afghanistan, ratified by Iraq by Act No. 49 of 1987;
8. 1986 agreement on legal and judicial cooperation between Iraq and Yugoslavia, ratified by Iraq by Act No. 50 of 1987;
9. 1989 convention on legal and judicial cooperation between Iraq and the States of the Arab Cooperation Council, ratified by Iraq by Act No. 58 of 1989;
10. Agreement on legal and judicial cooperation with Turkey, ratified by Iraq by Act No. 41 of 1990;
11. 1993 agreement on legal and judicial cooperation between Iraq and the Sudan;
12. Extradition Treaty between the United Kingdom and Iraq, ratified by Iraq by Act No. 53 of 1932;
13. Treaty on the extradition of criminals between Iraq and the United States, ratified by Iraq by Act No. 12 of 1936;
14. 1942 Iraqi-Yemeni treaty on the extradition of criminals, ratified by Iraq by Act No. 45 of 1947;
15. International Convention for the Suppression of Counterfeiting Currency, concluded at Geneva in 1929, ratified by Iraq by Act No. 211 of 1965;
16. International Criminal Police Organization (INTERPOL), joined by Iraq by Act No. 204 of 1975;
17. 1982 United Nations Convention on the Law of the Sea, which is against piracy, unauthorized broadcasting, illicit drug traffic and the slave trade. Ratified by Iraq by Act No. 50 of 1985;

18. United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted by the General Assembly on 19 December 1988. Iraq acceded by Act No. 23 of 1997;

19. Arab convention against illicit drug trafficking, to which Iraq acceded by Act No. 76 of 2001.

Subparagraph (c)

The Government of the Republic of Iraq does not grant safe haven to any terrorist in the world. Personal Status Act No. 65 of 1972, as amended, governs the civil status identity cards of all Iraqis and provides appropriate penalties for fraud in respect of the information entered on them. The Regulation of Places of Residence in Iraq Act (No. 95 of 1978), as subsequently amended, provides that Iraqi territory shall not be used for granting safe haven to anyone who finances, plans, supports or commits terrorist acts or anyone who grants such haven to terrorists. The Act establishes harsh penalties for any violation of its provisions.

Yet Iraq is the direct injured party in this regard, due to the fact that some States permit the use of their territory as a safe haven for such persons for carrying out terrorist acts against Iraq.

Subparagraph (d)

The provisions of Iraqi Penal Law No. 111 of 1969 apply to offences committed within Iraq. In any event, the Law applies to anyone who participates, whether as principal or as accomplice, in an offence occurring totally or partly in Iraq, even if his participation takes place outside the country, as follows:

Article 8 of the said Law provides that the territorial jurisdiction of Iraq covers the territory and all places coming under the sovereignty of the Republic of Iraq, including its territorial waters and the airspace above it. Iraqi vessels and aircraft are subject to the jurisdiction of the Republic of Iraq wherever they may be.

Article 8 provides that this Law does not apply to a crime committed aboard foreign vessels in an Iraqi port or Iraqi territorial waters unless the crime affects the security of the region, the aggrieving or aggrieved party is Iraqi or assistance has been requested from the Iraqi authorities. Similarly, the Law does not apply to a crime committed aboard a foreign aircraft in Iraqi airspace unless the aircraft lands in Iraq after the crime has been committed, the crime is a threat to security, the aggrieving or aggrieved party is Iraqi or assistance has been requested from the Iraqi authorities.

Article 9 provides that the Law applies to anyone who commits, outside Iraq:

1. A crime affecting the external or internal security of the State, a crime against its Republican regime, a crime affecting its securities whose issuance is permitted by law or its stamps or the crime of falsifying its official papers;

2. The crime of counterfeiting, imitating or falsifying paper currency or coins in circulation by law or by custom in Iraq or elsewhere.

Article 10 provides that any Iraqi who, while abroad, has committed an act making him a principal or an accomplice to a crime qualified under this Law as a felony or a misdemeanour shall be punished in accordance with provisions thereof if

he is in Iraq and the act committed by him is punishable under the law of the country in which it occurred. This provision shall apply even if the perpetrator has acquired Iraqi nationality after committing the offence or possessed that nationality at that time when he committed the offence and subsequently lost it.

Article 11 provides that the said Law does not apply to offences committed in Iraq by persons enjoying immunity under international conventions, international law or domestic law.

Article 12 provides that the same Law applies to any person in the employ of Iraq or entrusted with a public service of or for Iraq who commits, while abroad, during the performance or because of his work, a felony or misdemeanour provided for in the said Law. It also applies to any member of the Iraqi diplomatic corps enjoying immunity granted to him under public international law who commits, outside Iraq, a felony or misdemeanour provided for in the said Law.

Article 13 of the Law provides that in cases other than those provided for in articles 9, 10 and 11, its provisions apply to anyone who is in Iraq after having committed, outside Iraq, as principal or accomplice, any of the following offences: sabotage or damaging of international or State communications or intelligence media or trafficking in women, children, slaves or drugs.

Article 14 provides that the lawful penalties may not be applied to persons who commit crimes outside Iraq except with the permission of the Minister of Justice. Nor may such persons be brought to trial if a final judgement has been handed down by a foreign court which exonerates them or sentences them and they have fully discharged their sentence or if the action has been withdrawn or any penalty to which they have been sentenced has been legally dropped. The finality of the judgement, the withdrawal of the action or the cancellation of the penalty shall be determined on the basis of the law of the country in which the judgment was rendered. If the penalty imposed has not been fully satisfied or the judgement of exoneration has been handed down in respect of any of the offences referred to in articles 9 or 12 and was based on the fact that they are not punishable under the law of the country in question, the procedure regarding the lawful penalties against the accused shall take place before the courts of Iraq.

Article 227 of the Iraqi Penal Law provides a penalty of imprisonment for publicly insulting a foreign State or international organization having a headquarters in Iraq or the president or representative in Iraq or the national flag or emblem of such a State or organization.

Subparagraph (e)

In the preceding paragraphs, and especially in our response relating to paragraph 1 (b) of Security Council resolution 1373 (2001), we have indicated the laws that establish penalties for the financing, planning, preparation, perpetration or supporting of terrorist acts.

Subparagraph (f)

This has been answered in our response relating to paragraph 2 (b) of Security Council resolution 1373 (2001).

Subparagraph (g)

The Passport Act (Act No. 32 of 1999) establishes penalties for the following offences: leaving Iraq without passing through border crossing points or without a travel document; leaving the country in spite of a prohibition against doing so; selling, buying or seizing a passport; damaging or losing a passport; leaving for or travelling to a country to which travel has been prohibited or without such travel being recorded in one's passport; intentionally providing false information. In the case of offences for which no provision is made in the Passport Act, criminal proceedings are instituted against the perpetrator in accordance with the laws in force, including Penal Law No. 111 of 1969, as amended, whose articles 289-303 are devoted to the punishment of the perpetrators of the crime of forging official documents. The falsification of non-Iraqi passports is subject to the provisions of Revolution Command Council decision No. 120 of 1986.

Operative paragraph 3 of Security Council resolution 1373 (2001)

Subparagraph (a)

I. Exchange of operational information

Article 353 of the Code of Criminal Procedure (Act No. 23 of 1971), as amended, provides that if a foreign State wishes to have steps taken for the investigation of a crime by the judicial authorities in Iraq, it may transmit a request to that effect to the Ministry of Justice through the diplomatic channel. The request must be accompanied by a full account of the circumstances of the crime, the evidence on which to base a charge, the applicable legal provisions and a precise indication of the procedure requested.

Article 354 contains the following provisions:

A. If in the opinion of the Ministry of Justice the request meets all the requirements and compliance with it does not entail any violation of the public system in Iraq, the request is turned over to the examining magistrate in whose region the procedure is to be conducted in order for the requested procedure to be carried out. It shall be permissible for a representative of the State submitting the letters rogatory to be present when the procedure is conducted.

B. The Ministry of Justice may request the representative of the State submitting the letters rogatory to deposit an appropriate sum on account of costs related to testimonies, remuneration of experts, document fees and the like.

C. If the requested procedure is completed, the judge submits the papers to the Ministry of Justice for transmittal to the foreign State.

Article 355 provides that if the Iraqi judicial authorities address letters rogatory to the judicial authorities in another State in order to have a specific procedure carried out, the request must be submitted to the Ministry of Justice for transmittal through the diplomatic channel to the judicial authorities in that State and the judicial procedure carried out in accordance with such letters rogatory shall have the same legal effect as it would have if it were carried out by the judicial authorities in Iraq.

II. Forged or falsified travel documents

The response has been provided in connection with paragraph 2 (g) of the resolution. In addition, Iraqi law provides for the punishment of the offence of imitating or counterfeiting currency. Article 280 of Penal Law No. 111 of 1969 provides that anyone who in full awareness imitates or counterfeits, either himself or through another, a gold or silver coin having currency by law or by custom in Iraq or in another country or issues such an imitation or counterfeit coin, puts it into circulation, introduces it into Iraq or another country, trades with it or obtains it for the purpose of putting it into circulation or trading with it shall be subject to imprisonment. Reducing the weight of a coin or coating or plating a coin so as to cause it to resemble a coin of greater value are considered counterfeiting. The penalty shall be imprisonment for a term no greater than 10 years if the coin imitated or counterfeited is of a metal other than gold and silver. Article 281 of the same Law provides a penalty of imprisonment for anyone who in full awareness counterfeits or imitates, either himself or through another, Iraqi or foreign paper money or paper banknotes recognized by law, for the purpose of putting them into circulation, issuing them, introducing them into Iraq or another country or trading with them.

III. Traffic in arms, explosives or sensitive materials

The Arms Act (Act No. 13 of 1992) absolutely prohibits the import, export, possession, acquisition, carrying, manufacture, repair, transport, delivery or receipt of and trade in military arms, parts thereof and related ordnance. It further prohibits the import, export and manufacture of firearms, parts thereof and the related ammunition. In addition, the Act prohibits the possession, sale and repair of firearms otherwise than under a permit from the issuing authority. Article 27, as amended, of the said Act stipulates severe penalties ranging up to death for the smuggling of either military arms or ordinary firearms, parts thereof or the related ordnance for the purposes of spreading terrorism, threatening public security or supporting any rebellion against the Government.

Article 342 of the Penal Law No. 111 of 1969, as amended, provides as follows:

1. Anyone who intentionally sets fire to movable or immovable property, even if such property belongs to him, shall be punished by imprisonment for a term of up to 15 years, if the act endangers persons or their property.

2. The penalty shall be imprisonment for life or for a shorter term if the fire is set in any of the following places:

(a) Weapons or ammunition warehouses or factories or any annex thereto, military depots or war materiel;

(b) Mines or oil wells;

(c) Storage areas for fuel, inflammable materials or explosives;

(d) Electric power plants, including nuclear and hydroelectric power plants;

(e) Railway stations, train engines, cars in which there are persons, cars on a train on which there are persons, airports, aircraft, shipyards, marinas or ships;

(f) Inhabited buildings or places inhabited by a group of people;

(g) Buildings occupied by official or quasi-official entities, public institutions or charitable or State-approved institutions.

3. The penalty is life imprisonment if the purpose of the offence is to facilitate the perpetration of a felony or misdemeanour or to cover up its traces; the perpetrator renders firefighting means or equipment inoperative; the fire results in a permanent disability; or the fire is set by means of explosives.

4. The penalty is death or life imprisonment if the fire results in the death of a human being.

With a view to enhancing the effectiveness of these provisions, Iraq has acceded to the following international conventions:

1. Protocol for the prohibition of the use in war of poisonous gases, signed at Geneva on 17 June 1925, acceded to by Iraq pursuant to Act No. 27 of 1931;

2. 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, acceded to by Iraq in 1931;

3. General Treaty for Renunciation of War as an Instrument of National Policy, signed at Paris on 27 August 1928 and acceded to by Iraq pursuant to Act No. 6 of 1932;

4. International convention on the monitoring of trade in arms, ammunition and war materiel, signed on 17 June 1925 and acceded to by Iraq pursuant to Act No. 57 of 1932;

5. Amendment to the international convention on the monitoring of trade in arms, ammunition and war materiel, signed on 17 June 1925 and acceded to by Iraq pursuant to Act No. 7 of 1934;

6. Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris on 9 December 1948 and acceded to by Iraq pursuant to Act No. 11 of 1958;

7. Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, concluded in Moscow in 1963 and ratified by Iraq by Act No. 91 of 1964;

8. Treaty on the Non-Proliferation of Nuclear Weapons, ratified by Iraq by Act No. 138 of 1969;

9. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, signed in London, Moscow and Washington on 21 February 1971 and ratified by Iraq by Act No. 19 of 1972;

10. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, ratified by Iraq by Act No. 111 of 1975;

11. Convention of the international organization for defence, acceded to by Iraq pursuant to Act No. 35 of 1979.

IV. Use of communications technologies

The Iraqi legislator drafted chapters III, IV and V of part VII of Law No. 111 of 1969, as amended, to provide penalties for crimes of aggression against the safety of transport and public transportation means as well as against wire and wireless communication means (articles 354, 355, 356, 361 and 362), as follows:

> Intentionally jeopardizing, by any means whatsoever, the safety of air or water navigation or of trains, ships, aircraft or any other means of public transport shall be punishable by imprisonment. The penalty shall be life imprisonment in the event that the death of a human being ensues.

Article 355 provides that the penalty shall be imprisonment, a fine or both for anyone who intentionally causes destruction or damage to public thoroughfares, airports, bridges, viaducts, aircraft, railroads, rivers or canals suitable for navigation. The penalty is life imprisonment or a lesser term of imprisonment if the perpetrator uses explosives in the perpetration of the offence, and death or life imprisonment if the offence results in a disaster or the death of a human being.

Article 356 provides that the penalty shall be imprisonment, a fine or both for anyone who, through an error on his part, causes an accident to occur to any public transportation means or water or air transport means that involves its being put out of operation or the exposure of persons in it to danger.

Articles 361 and 362 establish the penalties for crimes of aggression against wire or wireless communication means.

Subparagraph (b)

This has been answered in the response given in connection with paragraph 2 (b).

Subparagraph (c)

This has been answered in the response given in connection with paragraph 1 (b) of the resolution, where we have listed the conventions on judicial cooperation for combating crime and referred to the national legislation on the subject.

Subparagraph (d)

Answered in the preceding paragraphs.

Subparagraph (e)

Iraq cooperates with all States and with the United Nations, and in particular the Security Council, on measures to combat crime, including terrorism, and will undertake a study of accession to the relevant conventions.

Subparagraph (f)

Political Refugee Act No. 51 of 1971 contains a compendium of the provisions of the Geneva Convention on Political Refugees.

Subparagraph (g)

Political Refugee Act No. 51 of 1971 prohibits such activities.

Requirements for the extradition of criminals

Articles 357 [and] 368 of the Code of Criminal Procedure (Act No. 23 of 1971) contains provisions relating to the extradition of criminals. The task of handling the extradition of criminals is entrusted to the judiciary. The Code establishes detailed rules for examining requests for extradition and provides all the legal guarantees required throughout the stages of extradition.

Could Iraq please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

The administrative machinery for giving practical effect to the laws, directives and other instruments that are seen as contributing to the implementation of the resolution are divided among the various authorities – judiciary, police, customs, Central Bank, financial supervision, immigration control – as follows:

Judicial authorities

The investigation of crimes of terrorism, like that of other ordinary offences, is entrusted, under the Code of Criminal Procedure (Act No. 23 of 1971), to the judicial authorities, acting in cooperation with the competent police authorities. Upon the completion of the investigation, the case is brought before the competent criminal court. In this way defendants are given opportunities to defend themselves and every guarantee required from the standpoint of justice.

Police authorities

Article 1 of the Duties of Policemen in Combating Crime Act (Act No. 176 of 1980) states that the internal security forces have the task of maintaining internal security and order, preventing the commission of crimes, punishing and apprehending the perpetrators thereof, providing the control required for that purpose, protecting persons and property, collecting information pertaining to the internal security and public policy of the State and guaranteeing the performance of the duties entrusted to them under the laws and regulations. Article 3 of the same Act defines the duties of policemen, including intervention in the following situations:

1. An act which, it is feared, may result in death or severe wounds if there are reasonable grounds for such fear;

2. Kidnapping;

3. Arson;

4. The arrest of a criminal or person suspected of having committed a crime punishable by death or life imprisonment if such criminal or suspect resists arrest or tries to escape;

5. Occupation or destruction of the place where the internal security forces are headquartered;

6. Occupation or destruction of places or equipment or property responsible for maintaining them or exposure of the lives of persons in those places to appreciable danger;

7. Commission of the crime of sabotage of vital installations.

Customs authorities

A Ministry of Finance organ in charge of customs matters was established pursuant to Act No. 23 of 1984, as amended. The Act requires strict control of the entry and exit of individuals into and from Iraq and the searching of such persons and of goods and vehicles, irrespective of whether they pass through the official border crossing points or cross the border without passing through them. All this is done in accordance with articles 183-187 of the said Act in cooperation with the customs police and other internal security forces. The Act also provides a number of penalties for the perpetrators of customs offences, including the crime of smuggling goods for unlawful purposes.

Central Bank authorities

The Central Bank of Iraq Act (Act No. 64 of 1976) established a detailed mechanism for the control of movements of domestic and foreign currency and gold in Iraq. It established a complete system of supervision and control of governmental and non-governmental banks that enables the Central Bank to detect any violation of its rules, including the use of currency for unlawful purposes, as well as detailed rules for the supervision of foreign transfers.

Financial supervision authorities

Act No. 6 of 1990 established the Office of Financial Supervision, a body placed under the Revolution Command Council, Iraq's supreme legislative authority. Under that Act, this body is entrusted with the task of monitoring financial transactions and reviewing all accounting events pertaining to the various institutions of the State and the degree to which they are in compliance with the law.

Immigration control authorities

The Alien Residence Act (Act No. 118 of 1978) provides regulations governing the immigration authorities in Iraq and regulates the entry of aliens into, their residence in and their departure from Iraqi territory. Article 3 of the Act establishes the conditions for the entry of aliens into Iraq, while chapter V contains the rules governing their expulsion and deportation.

N.B.: The new Iraqi contacts are:

1. The Permanent Representative of Iraq to the United Nations

2. The Chief of the Legal Department of the Ministry of Foreign Affairs of the Republic of Iraq